

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION
FUND, et al.

Plaintiffs,

v.

RITEWAY-HUGGINS CONSTRUCTION
SERVICES, INC.

Defendant.

Case No. 13 C 5113

Judge Cole

Motion for Entry of Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court for an entry of judgment and in support Plaintiffs state:

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages and attorney fees.
2. On September 2, 2014 this Court entered an Agreed Order of Dismissal pursuant to the agreement of the parties. (Exhibit A) Plaintiffs' Motion to Reinstate the case was granted and this case was reinstated on February 26, 2016 .
3. Pursuant to the agreement of the parties, Defendant agreed to pay \$123,435.26 to the Plaintiffs in monthly installments. (Exhibit A) This amount was comprised of ERISA contributions, dues, liquidated damages, interest and attorney fees. (Exhibit B, declaration, fund manager, John Libby) If the Defendant defaulted on the payments, Plaintiffs reserved the right to reinstate the case and request a judgment based on the balance due, plus accrued interest, liquidated damages and Plaintiffs' additional attorney fees in enforcing the Order. (Exhibit A, paragraph 3)

4. The Defendant made 4 payments to the Plaintiffs totaling \$93,944.98. The balance owed on the Agreed Order is \$29,490.28. (Exhibit B)

5. Due to the breach, the Defendant owes additional interest on the unpaid ERISA contributions in the amount of \$236.41. (Exhibit B)

6. Due to the breach, the Defendant also owes liquidated damages on the unpaid ERISA contributions in the amount of \$1,417.71 . (Exhibit B)

7. Pursuant to the Agreed Order, the Defendant owes the sum of \$3,380.50 for necessary and reasonable attorney fees expended by Plaintiffs in enforcing this Agreed Order and seeking judgment for the balance due. (Exhibit C, declaration, attorney Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of **\$34,525.00** and that Plaintiffs' be awarded their attorney fees and costs incurred in their attempts to collect on this judgment in the post-judgment supplemental proceedings.

Respectively submitted,

s/ DANIEL P. McANALLY
Attorney for Plaintiffs

Whitfield McGann & Ketterman
111 E. Wacker Drive
Suite 2600
Chicago, IL 60601
312.251.9700